

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GERRY WILLIAMS,
Plaintiff,

No. C 06-1418 SI (pr)

ORDER

v.

DR. KINSEY; et al.,
Defendants.

This pro se prisoner's civil rights action was dismissed on June 18, 2007. Although the action has long been closed, plaintiff's financial obligation for filing it remains. At the time he filed it, plaintiff was given leave to proceed in forma pauperis, which meant that he did not have to pay the full filing fee at the outset but nonetheless incurred an obligation to pay it. The fee was to be paid over time with deductions from his prisoner trust account, the amounts of which depended on the monthly balances in that account.

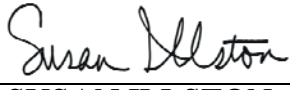
Plaintiff has requested that the court waive the "remainder" of the filing fee, and states that he is unable to use the money his family sends him for canteen purchases because that money is diverted to pay for his filing fees. The trust account statement attached to his request shows that he has only paid part of one of the eight filing fees he has incurred. The court's records show that he has not yet paid any of the filing fee for this action.

The court does not have the authority to waive the filing fee that is owed. The fee is statutorily set, as is the formula for deducting the fee from the prisoner-plaintiff's account. See 28 U.S.C. § 1915(b). His request for a modification or waiver of the filing fee is DENIED.

1 (Docket # 32.) If he wants to challenge the CDCR's implementation of 28 U.S.C. § 1915(b), he
2 can do so by filing a new action after he exhausts administrative remedies, but he would then
3 owe yet another filing fee (which is now \$350.00).

4 IT IS SO ORDERED.

5 DATED: April 30, 2010



SUSAN ILLSTON
United States District Judge